

UTAH RADIATION CONTROL BOARD

**MINUTES OF THE UTAH RADIATION CONTROL BOARD MEETING, July 12, 2002,
Department of Environmental Quality (Bldg. #2), 168 North 1950 West, Conf. Room 101,
Salt Lake City, Utah.**

BOARD MEMBERS PRESENT

Stephen T. Nelson, Ph.D., Chairman
William J. Sinclair, M.S.E.H., Executive Secretary
Linda Kruse
Rod O. Julander, Ph.D.
Karen S. Langley, M.S.
John W. Thomson, M.D.
Dianne R. Nielson, Ph.D.

BOARD MEMBERS ABSENT/EXCUSED

Gary L. Edwards, M.S., Vice Chairman
Kent J. Bradford, P.G.
Thomas K. Chism, M.S.
Gregory G. Oman, D.D.S., B.S.
Gene White, Commissioner

DRC STAFF/OTHER DEQ MEMBERS PRESENT

Clark Clements, DRC Staff
Dane Finerfrock, DRC Staff
Laura Lockhart, DEQ/Attorney General's Office
Julie Silotti, DRC Staff
Yoli Shropshire, DRC Staff

PUBLIC

Kenneth L. Alkema, Envirocare of Utah, Inc.
David Frydenlund, IUC (USA)
Mark Ledoux, Envirocare of Utah, Inc.
Gregory H. Copeland, Greenfield Logistics
Jim Holtkamp, LeBoeuf, Lamb, Greene
& McCrae LLP
Lindsay Ford, Parsons, Behle, and Latimer

GREETINGS/MEETING CALLED TO ORDER

The Utah Radiation Control Board convened in the DEQ Building #2, Room 101, 168 North 1950 West, in Salt Lake City, Utah. The meeting was called to order at 2:15 p.m. by Dr. Stephen T. Nelson, Chairman of the Board. Dr. Nelson welcomed all members and public attending the meeting. Dr. Nelson stated to those present, if they wished to address any items on the agenda to

indicate it on the sheet as they signed in. Those desiring to comment would be given a chance to address their concerns on any agenda items to the Board. Dr. Nelson indicated that the Board could not act upon “action” items until a quorum of seven members was present. He suggested that the Board first deal with all the information items, and then reassess if a quorum was present to deal with the “action” items.

Stephen Nelson then welcomed the new Board members attending the meeting. Each new Board member (Dr. Thomson and Linda Kruse) introduced themselves. He also recognized the reappointment of Board Members, Rod O. Julander and Karen S. Langley to the Board and indicated that he looked forward to working with the newly appointed and reappointed members.

I. APPROVAL OF MINUTES (Board action items)

a. Approval of June 7, 2002, Minutes (Board action item)

Dr. Nelson asked for correction of the minutes from Board Members. There were no corrections necessary.

No action was taken on this item because a quorum of Board members was not present at the meeting.

II. RULES

a. Changes to R313-15-1001, and R313-22-39 relating to uranium mills and uranium mill tailings disposal facility requirements - final approval (Board action item)

No action was taken on this item because a quorum of Board members was not present at the meeting.

b. Changes to proposed rules R313-24, R313-19-2 - to public comment (Board action item)

No action was taken on this item because a quorum of Board members was not present at the meeting.

III. RADIOACTIVE MATERIALS LICENSING/INSPECTION No items

IV. X-RAY REGISTRATION/INSPECTION

a. Discussion of full-body CT scans on asymptomatic patients and possible actions (Board information/possible action item)

No action was taken on this item because a quorum of Board members was not present at the meeting.

V. RADIOACTIVE WASTE DISPOSAL

a. Generator Site Access Permit enforcement policy - to Stakeholders for comment (Board information item)

Bill Sinclair indicated that included in the packet is a draft enforcement policy regarding the generator site access permit program. The generator site access program was established to ensure that generators shipping waste to Envirocare were comply with the transportation requirements. In the event a generator is not compliant, the generator is subject to enforcement action. The enforcement action ranges from a letter of deficiency to a notice of violation to a temporary suspension of a permit to a permanent revocation of a permit. To aid in determinations regarding what the appropriate enforcement action should be, Division staff prepared a draft enforcement policy for comment. The policy establishes a point value assessment table that will aid the Division in determining the appropriate enforcement action. This draft was sent out to all permit holders and the information posted on the DRC website. The comment period is in effect until August 15, 2002. Following the comment period and any necessary revisions, the Executive Secretary will bring the policy back before the Board and request a concurrence vote.

b. Motion for reconsideration by Families for Incinerator Risk (FAIR) (Board information/possible action item)

Laura Lockhart indicated that FAIR filed a motion for reconsideration on July 1, 2002 and Envirocare filed a motion of opposition to FAIR's motion to reconsider on July 11, 2002. The Executive Secretary has not filed a response to the motion as yet. This motion will be considered at the next Board meeting scheduled for September 6, 2002.

VI. URANIUM MILL TAILINGS UPDATE

a. Moab Millsite update - Release of National Academy of Science Report - "Remedial Action at the Moab Site - Now and for the Long Term" on June 13, 2002 (Board information items)

Bill Sinclair reported that on June 13, 2002, the National Academy of Sciences released its report on "Remedial Action at the Moab Site." This report was required by Congress. The report was summarized at a meeting in Moab on June 13, 2002, by Kai Lee, Chair of the Committee on Long-Term Institution Management of DOE Legacy Waste Sites: Phase Two. NAS made the following recommendations to the DOE concerning the Moab Millsite:

The entire 46 pages of the report were provided in the packet.

- (1) The DOE should undertake further, but bounded, investigations of several unresolved questions related to science and engineering in order to arrive at a sound remediation decision.
- (2) DOE's decision-making process should recognize the connections and potential tradeoffs between short and long term actions.
- (3) The DOE should critically examine important assumptions and conclusions in the analyses of the two primary alternatives, examine the likelihood that

they might be invalid over the relevant time frames, and reassess the risks in this new light.

- (4) The DOE should continue to plan reclamation of the site in a way that explicitly involves the public, consistent with good risk-based decision-making practice.
- (5) The DOE should draw more explicitly from its own experience in managing tailings piles in developing its plan for remediation at Moab.
- (6) Issues that will not result in a net difference between the remediation alternatives (e.g., issues that requires the same action under either remediation alternative) should not confuse the remediation decision-making process.

The Committee also concluded that a closure path for the Moab Millsite was not ripe for decision because of the following reasons:

- the pile, the Moab Site, and possible sites for a relocated disposal cell have not been characterized adequately
- the options for implementing the two primary remediation alternatives have not all been identified or sufficiently well defined
- the risks, costs, and benefits of the major alternatives have not been adequately characterized and estimated, and
- the long-term management implications for each option have not been described.

b. Summary of NRC/NMA meeting - June 11-12, 2002, Denver, Colorado (Board information item)

Rob Herbert, who attended the “Annual Uranium Recovery Workshop” in Denver, Colorado, which was hosted jointly by the U.S. NRC and the National Mining Association (NMA) provided the Board with a summary of the NRC/NMA meeting. Rob indicated to the Board that this workshop provided an opportunity for the NRC, NMA, DOE, EPA, States, licensees, and other stakeholders to share information and discuss important issues about the uranium recovery industry.

The following is an overview of Rob’s presentation that he reported to the Board after his attendance at the Annual Uranium Recovery Workshop, in Denver, Co.:

1. Overviews of NRC’s Uranium Recovery Activities

Presented made by Gary Janosko, Uranium Recovery Section Chief, the following is a summary of his presentation at the workshop:

a. Title I Activities

1. Ground Water Compliance Action Plans have been approved for eight UMTRCA sites and are in progress for five others. The GCAP for the Salt Lake City Vitro site was approved in 2000 and is currently in DOE's Long-Term Surveillance and Maintenance program. The Green River, Utah site is currently undergoing additional site characterization activities in preparation of the draft GCAP.
2. Active groundwater remediation will continue at Shiprock, NM, Tuba City, AZ, and Rifle, CO and will be initiated this year at Durango, CO.
3. The NRC released the Final Title I - Groundwater Remediation Standard Review Plan.

b. Title II Activities

1. License renewal of Shootaring Canyon Mill near Ticaboo, Utah.
2. Approval of IUC's Molycorp alternate feed amendment request for the White Mesa Mill.
3. Atlas license termination and dissolution of the trust.
4. Issuance of Regulatory Guides 8.30 and 8.31 which address ALARA for uranium workers.
5. Commission Decision regarding Pre-1978 Mill Tailings/Source Material.

2. Uranium Consumption, Supply, and Production

Presentation by Fletcher Newton, President and CEO, Power Resources Inc., the following is a summary of his presentation at the workshop:

a. Interesting Facts:

1. U.S. electricity generated by nuclear power has increased from 4% in 1973 to 23% in 2001.
2. Although the U.S. uranium industry remains depressed, there is a worldwide increase in demand.
3. The current world increase in uranium demand is caused by 1) higher capacity factors, (how much of the total capacity is being utilized) and 2) yearly power capacity increases.

4. For the first time, nuclear operating costs are lower than fossil fuels for electrical power generation.
5. In 2001, total world production of uranium was more than 93 million pounds:

a.	Canada	35%
b.	Australia	22%
c.	FSU/Eastern Europe	21%
d.	Africa	16%
e.	China	3%
f.	U.S.	3%
6. Since 1982, there has been a strong trend toward ISL facilities from conventional milling.
7. No new world wide significant production except Cigar Lake, Canada.
8. Mr. Fletcher closed with two key questions critical to the return of the uranium recovery industry:
 - a) When will prices favor production? and
 - b) Will the market, ever recover to \$14/lb and stabilize?

3. **New Approaches For Domestic Uranium Fuel Cycle**

Presented by Ron Hochstein of International Uranium Corporation (IUC) and Steve Schutt of Nuclear Fuel Services (NFS), which they gave a presentation on alternate feed options for conventional uranium mills. The following is a summary of their presentation at the workshop:

- a. Currently, there are only two active conventional uranium mills in U.S.:
 - 1) White Mesa Mill in Blanding, Utah; and 2) the Cotter Mill in Canon City, Colorado
- b. Because current & forecasted, short-term uranium prices are too low for conventional ore milling to be profitable, conventional mills are relying on alternate feeds stocks to survive.
- c. IUC/NFS propose to expand their alternate feed program by “down-blending” orphan nuclear materials from Part 70 (SNM) DOE facilities such as Fernald, Hanford, and the Savannah River Site to supplement existing alternate feeds from FUSRAP and DOE/Commercial By-Product Residues.
- d. An alternate feed ore would be produced from the orphan nuclear materials

by dry blending depleted and natural uranium with low-enriched uranium materials which then would be processed through the mill.

- e. Challenges to this proposal include material characterization, consolidation, feed acceptance criteria, and interim storage prior to processing.

4. Panel Discussion on Uranium Mill License Termination and Long-Term Stewardship Issues

Presented by Art Kleinrath, DOE LTSM Program Manager, Katie Sweeney, NMA, Dan Gillen, U.S. NRC. To follow is a summary of their presentation at the workshop:

a. Recurring issues were brought up again such as:

1. Dual regulation by NRC and States with groundwater discharge permits. For example, the state of New Mexico wants to enforce a groundwater permit with the licensee even after license termination (L-Bar Site).
2. Non-Agreement State concerns about the non, but radiological hazards could potentially delay license termination and property transfer to DOE.
3. DOE concerns regarding disposal of non-11e.(2) material from alternate feeds.
4. It was suggested that a possible NRC/DOE MOU could be drafted on Title II Site transfers which could provide some assurance to DOE concerns prior to accepting transfer of property for Long Term Surveillance and Maintenance.
5. Art Kleinrath indicated that DOE does not think they are the best agencies for long-term stewardship after license termination and would prefer a more appropriate agency such as the Department of Interior take over responsibility of the Long Term Surveillance and Maintenance program. The DOE is taking a serious look at possible alternatives.

5. Emergency Response and Security Issues at Nuclear Power Plants

Presented by Joe Holonich, U.S. NRC, to follow is a summary of his presentation at the workshop:

- a. In response to September 11, 2001 terrorist attacks, the NRC created the Office of Nuclear Security and Incident Response to improve security at U.S. nuclear power plants.
- b. There are 100 nuclear reactors at 64 facilities in the U.S. (some have double

reactors).

- c. This new section is headed by Joe Holonich who has weekly interaction with the Office of Homeland Security for coordination on threat indicators and assessment of potential threat scenarios.
- d. Multiple security program initiatives are underway by licensees, NRC, and the Federal government to reduce the risk of terrorist attacks. Security programs include physical security of the plants, personnel security, information security, response plans, and heightened security modes.
- e. Since the office was formed, there are comprehensive programs are in place to deal with emergencies at U.S. nuclear facilities.
- f. Nuclear facilities remain at a high level of security since 911 and to date there has been no specific, credible, terrorist threat to a nuclear facility in the U.S.

VII. OTHER DEPARTMENT ISSUES

a. Status of Citizen's initiative - Radioactive Waste Restrictions Act (Board information item)

Bill Sinclair indicated that in the Board packet, some information had been provided regarding the initiative including (1) a brief description of the citizen's initiative process (2) information relating to the required number of signatures required from each county to get an initiative on the ballot (3) the signature count as of June 27, 2002, updated in the supplemental packet (4) a copy of the initiative as filed with the Lt. Governor.

The major purpose of this initiative was to expand the tax on wastes going to the Envirocare facility for all categories. The taxes are then designated to fund certain educational activities and programs for the homeless. The bottom line is that the initiative did not receive enough signatures to qualify for the November 2002 ballot. Since the initiative failed to collect a sufficient number of signatures for the 2002 ballot, signatures can continue to be collected to qualify for the next general election ballot (November 2004). If, after two general elections, there are not enough signatures to qualify the initiative for the ballot, the sponsors must start the process over should they wish to pursue the initiative.

Bill pointed out that the initiative does impact Board members:

- (1) It excludes the Executive Director of UDEQ from being a member of the Board;
- (2) It excludes any person operating a radioactive waste or storage facility from being considered as a regulated industry representative;
- (3) Changes the makeup of citizen representatives from one "general"

representative, one citizen representing environmental interests by adding a citizen representing organized consumer groups instead of the “general” representative.

- (4) The Executive Director position is replaced by “one representative from an independent scientific organization.”
- (5) It limits Board member service to no more than two consecutive terms (this has been policy).
- (6) A Board member for a period of three calendar years after the board member’s term expires may not knowingly:
 - (a) Accept new employment in the field of radioactive waste disposal or storage directly subject to the board’s regulatory authority under the Radiation Control Act.
 - (b) Become a lobbyist or engage in lobbying activities in the field of radioactive waste disposal or storage for a principal directly subject to the board’s regulatory authority under the Radiation Control Act.
- (8) Any person is prohibited from appointment to or membership on the board who has been convicted of a misdemeanor involving moral turpitude, or felony of any degree under the United States Code or Utah Code.

VIII. PUBLIC COMMENT

Jason Groenewold, FAIR, addressed the Board as follows:

Jason Groenewold reported that he attended a conference sponsored by the Department of Energy (DOE) in Denver, Colorado recently, and wanted to report on two items that might be of interest to Board members. One item of interest was a proposed plan to build an incinerator at the Idaho National Engineering Laboratory (INEL) to treat DOE mixed waste. For various reasons, the incinerator proposal was dropped and DOE is now engaged in a process of looking at alternatives to incinerating mixed radioactive waste. DOE is very much at the beginning of that process, in the sense of trying to figure what technologies are viable, so that they can begin testing and put funding toward. DOE had a blue ribbon panel that came together and made recommendations and did a preliminary review of those technologies. There are other options that are being looked at for dealing with radioactive waste besides incineration technology.

He mentioned in one of the previous items was that DOE was looking at a way to facilitate public involvement. Bill Sinclair previously indicated DOE efforts in regards to the Moab Millsite. One of the issues that DOE is trying to figure out is what is a meaningful way to engage the public. A working document is being drafted, and when that is completed, it will be presented to DOE. If there is interest, a copy could be forwarded to Bill Sinclair, and then to the Board as an information item. He also indicated that in the discussion of the initiative process, one aspect not highlighted was that the initiative prevents Class B and C waste from

being received in Utah.

IX. OTHER ISSUES

a. Next regular Board Meeting - September 6, 2002

Bill Sinclair indicated that since a quorum was not obtained at this Board meeting, the Board will need to deal with the rulemaking action items. Bill indicated that Yoli would be in touch with Board members to schedule a time for a Teleconference Board Meeting.

Bill then indicated that instead of taking July off, the August meeting will be canceled and the next Board meeting would be held September 6, 2002, at the Department of Environmental Quality (Bldg. #2), 168 North 1950 West, Conference Room 101, Salt Lake City, Utah, at 2:00 p.m.

The Board meeting adjourned at 3:05 p.m.